

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)



Order Filed on February 17, 2022
by Clerk
U.S. Bankruptcy Court
District of New Jersey

In Re:

LTL Management LLC

Case No.: 21-30589

Hearing Date:

LTL Management LLC

Adv. No.: 21-03032

Judge: Michael B. Kaplan

Plaintiff(s)

v.

Those Parties Listed on Appendix A to the Complaint
and John and Jane Does 1-1000, et al.

Defendant(s)

JOINT STIPULATION AND AGREED ORDER BETWEEN THE OFFICIAL COMMITTEE OF TALC
CLAIMANTS I, THE OFFICIAL COMMITTEE OF TALC CLAIMANTS II, AND THE DEBTOR
REGARDING THE EVIDENTIARY RECORD IN PRELIMINARY INJUNCTION ADVERSARY
PROCEEDING AND TRIAL ON MOTIONS TO DISMISS

The relief set forth on the following pages, numbered two (2) through _____

is hereby **ORDERED**.

DATED: February 17, 2022

A handwritten signature in black ink, appearing to read "Michael B. Kaplan".

Honorable Michael B. Kaplan
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
<p>Caption in Compliance with D.N.J. LBR 9004-1(b)</p> <p>COOLEY LLP Cullen D. Speckhart (admitted pro hac vice) Michael Klein (admitted pro hac vice) Erica J. Richards (pro hac vice to be filed) Lauren A. Reichardt (pro hac vice to be filed) Evan Lazerowitz 55 Hudson Yards New York, NY 10001 Tel: (212) 479-6000 Fax: (212) 479-6275 Email: cspeckhart@cooley.com mklein@cooley.com erichards@cooley.com lreichardt@cooley.com elazerowitz@cooley.com</p> <p><i>Proposed Co-Counsel to the Official Committee of Talc Claimants II</i></p>	<p>BAILEY GLASSER LLP Brian A. Glasser, Esq. (admitted pro hac vice) Thomas B. Bennett, Esq. (admitted pro hac vice) Kevin W. Barrett, Esq. (admitted pro hac vice) Maggie B. Burrus, Esq. (admitted pro hac vice) 105 Thomas Jefferson St. NW, Suite 540 Washington, DC 20007 Tel: (202) 463-2101 Fax: (202) 463-2103 Email: bglasser@baileyglasser.com tbennett@baileyglasser.com</p> <p><i>Proposed Co-Counsel to the Official Committee of Talc Claimants II</i></p>
<p>WALDREP WALL BABCOCK & BAILEY PLLC Thomas W. Waldrep, Jr. (admitted pro hac vice) Kevin L. Sink (admitted pro hac vice) James C. Lanik (admitted pro hac vice) Jennifer B. Lyday (admitted pro hac vice) 370 Knollwood Street, Suite 600 Winston-Salem, NC 27103 Tel: (336) 717-1280 Fax: (336) 717-1340 Email: notice@waldrepwall.com</p> <p><i>Proposed Co-Counsel to the Official Committee of Talc Claimants II</i></p>	<p>MASSEY & GAIL LLP Jonathan S. Massey, Esq. (admitted pro hac vice) 1000 Maine Ave. SW, Suite 450 Washington, DC 20024 Tel: (202) 652-4511 Fax: (312) 379-0467 Email: jmassey@masseygail.com</p> <p><i>Proposed Co-Counsel to the Official Committee of Talc Claimants II</i></p>
<p>SHERMAN, SILVERSTEIN, KOHL, ROSE & PODOLSKY, P.A. Arthur J. Abramowitz Alan I. Moldoff Ross J. Switkes 308 Harper Drive, Suite 200 Moorestown, New Jersey 08057 Tel: (856) 662-0700 Email: aabramowitz@shermansilverstein.com amoldoff@shermansilverstein.com rswitkes@shermansilverstein.com</p> <p><i>Proposed Local Counsel to the Official Committee of Talc Claimants II</i></p>	

In re: LTL MANAGEMENT LLC, Debtor.	Chapter 11 Case No.: 21-30589 (MBK) Honorable Michael B. Kaplan
LTL MANAGEMENT, LLC, Plaintiff, vs. THOSE PARTIES LISTED ON APPENDIX A TO COMPLAINT and JOHN AND JANE DOES 1-1000, Defendants.	Adv. Pro. No.: 21-03032 (MBK)

**JOINT STIPULATION AND AGREED ORDER BETWEEN
THE OFFICIAL COMMITTEE OF TALC CLAIMANTS I,
THE OFFICIAL COMMITTEE OF TALC CLAIMANTS II, AND THE DEBTOR
REGARDING THE EVIDENTIARY RECORD IN PRELIMINARY INJUNCTION
ADVERSARY PROCEEDING AND TRIAL ON MOTIONS TO DISMISS**

The relief set forth on the following pages is hereby **ORDERED**.

This stipulation and agreed order (this “Stipulation”) is made on this 16th day of February, 2022 (the “Stipulation Date”) by the Official Committee of Talc Claimants I (the “TCC I”), the Official Committee of Talc Claimants II (the “TCC II”), Aylstock, Witkin, Kreis & Overholtz, PLLC (“AWKO”), and LTL Management LLC, the debtor and debtor-in-possession (the “Debtor”), regarding the evidentiary record for the (i) Motion of the Official Committee of Talc Claimants to Dismiss Debtor’s Chapter 11 Case [Docket No. 632] and Motion to Dismiss Bankruptcy Case filed by counsel on behalf of certain personal injury tort plaintiffs represented by the law firm of Arnold & Itkin LLP [Docket No. 766] (the “Motions to Dismiss”), and (ii) Debtor’s Motion for an Order (I) Declaring that the Automatic Stay Applies to Certain Actions Against Non-Debtors or (II) Preliminarily Enjoining Such Actions and (III) Granting a Temporary Restraining Order Pending a Final Hearing [Adv. Docket No. 2] (the “PI Motion”) filed in adversary proceeding no. 21-03032 (the “Adversary Proceeding”) in the above-captioned chapter 11 case (the “Case”).

Recitals

WHEREAS, on October 14, 2021, the Debtor filed a voluntary petition for chapter 11 relief in the United States Bankruptcy Court for the Western District of North Carolina, Charlotte Division (the “NC Bankruptcy Court”) [Docket No. 1];

WHEREAS, on October 21, 2021, the Debtor commenced the Adversary Proceeding by filing a complaint seeking (i) a declaratory judgment that the automatic stay applies to the assertion and prosecution of talc claims against the Debtor, its non-debtor affiliates, identified retailers, insurance companies, and certain others parties and (ii) a preliminary injunction and temporary restraining order enjoining such actions [Adv. Docket No. 1];

WHEREAS, on October 21, 2021, the Debtor filed the PI Motion;

WHEREAS, on November 4-5, 2021, the NC Bankruptcy Court held a hearing on the PI Motion (the “NC PI Hearing”) and considered evidence submitted by the parties and admitted at the hearings, including declarations, testimony and exhibits filed with the NC Bankruptcy Court or presented at the hearings, including but not limited to (a) any deposition transcripts, including all exhibits thereto; and (b) any pleadings filed in support of or opposition to the PI Motion, including all exhibits thereto (the “NC PI Evidence”);

WHEREAS, on November 15, 2021, the NC Bankruptcy Court entered an Order Granting the Debtor’s Request for Preliminary Injunctive Relief [Adv. Docket No. 102] (the “NC PI Order”);

WHEREAS, on November 16, 2021, the NC Bankruptcy Court entered an order transferring venue of the Case to the United States Bankruptcy Court for the District of New Jersey (the “Court”) [Docket No. 416];

WHEREAS, in this Court, the Debtor filed a supplemental motion in support of the PI Motion [Adv. Dkt. 128], the former Committee objected [Adv. Dkt. 142] and the Debtor filed a reply [Adv. Dkt. 146] (such pleadings and all exhibits attached thereto collectively, the “NJ PI Evidence” and together with the NC PI Evidence, the “PI Evidence”);

WHEREAS, on January 15, 2022, the Court entered the Bridge Order Extending Termination Date of Order Granting The Debtor’s Request for Preliminary Injunctive Relief [Adv. Docket No. 157], that extended the Termination Date set forth in paragraph 4 of the NC PI Order to February 28, 2022, unless modified or extended by further order of the Court;

WHEREAS, commencing on February 14, 2022, the Court will hold a trial (the “MTD Trial”) on the Motions to Dismiss wherein the Court will consider evidence submitted by the parties and admitted at the trial, including declarations, testimony and exhibits filed with the Court

or presented at the trial, including but not limited to: (a) any deposition transcripts, including all exhibits thereto; and (b) any pleadings filed in support of or opposition to the Motions to Dismiss, including all exhibits thereto (the “MTD Evidence”);

WHEREAS, the Court will hold a hearing on the PI Motion on February 18, 2022 (the “PI Hearing”); and

WHEREAS, the parties desire a combined record for the PI Hearing and MTD Trial that includes both the PI Evidence and the MTD Evidence.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, AND UPON APPROVAL BY THE BANKRUPTCY COURT OF THIS STIPULATION, IT IS SO ORDERED AS FOLLOWS:

1. The PI Evidence and the MTD Evidence shall be part of the record for the PI Hearing, and the Court may consider such evidence in connection with the PI Motion.
2. The PI Evidence and the MTD Evidence shall be part of the record for the MTD Trial, and the Court may consider such evidence in connection with the Motions to Dismiss.
3. The Stipulation shall not prejudice the rights of any party with respect to the Order Regarding: (A) Debtor’s Motion for an Order Determining That the United States Trustee’s Notice of “Reconstituted and Amended” Talc Claimants Committee Is Invalid and Reinstating that Committee; and (B) Motion for Order Vacating Appointment of Second Official Committee of Talc Claimants and Addition of New Committee Members Filed by Arnold & Itkin LLP [Docket No. 1273] or in connection with any pleading filed pursuant to paragraph 4 of that order.
4. This Stipulation shall constitute the entire agreement and understanding of TCC I, TCC II, AWKO, and the Debtor relating to the subject matter hereof and supersedes all prior

agreements and understandings between TCC I, TCC II, AWKO, and the Debtor relating to the subject matter hereof.

5. The Court shall retain jurisdiction to resolve any disputes, controversies, or ambiguities arising from this Stipulation.

AGREED AS TO FORM AND SUBSTANCE:

**SHERMAN, SILVERSTEIN,
KOHL, ROSE & PODOLSKY, P.A.**
*Proposed Local Counsel to the
Official Committee of Talc Claimants II*

GENOVA BURNS, LLC
*Proposed Local Counsel to the
Official Committee of Talc Claimants I*

By: /s/ Arthur J. Abramowitz
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Dated: February 16, 2022

Dated: February 16, 2022

WOLLMUTH MAHER & DEUTSCH LLP
Counsel to the Debtor

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Dated: February 16, 2022

Dated: February 16, 2022

In re:
LTL Management LLC
Debtor

Case No. 21-30589-MBK
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0312-3
Date Rcvd: Feb 17, 2022

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 4

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 19, 2022:

Recip ID	Recipient Name and Address
db	+ LTL Management LLC, 501 George Street, New Brunswick, NJ 08933-0001
aty	+ Glenn M. Kurtz, White & Case LLP, 1221 Avenue of the America, New York, NY 10020-1001
aty	+ Jessica Lauria, White & Case LLP, 1221 Avenue of the America, New York,, NY 10020-1001
aty	+ Rayburn, Cooper & Durham, P.A., The Carillon, Suite 1200, 227 West Trade St., Charlotte, NC 28202-1672

TOTAL: 4

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 19, 2022

Signature: /s/Joseph Speetjens